IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SIXTH DAY OF MARCH TWO THOUSAND AND SEVEN

:PRESENT:

THE HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
and
THE HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO : 25257 of 2006

Between:

1.Dibbapalem Matsyakarula Mahila Sankshema Sangham,
Dibbapalem, Regd.No.1648/2006, rep.by its President
Smt.Kadiri Rajeswari, W/o.Tatarao.
2.The Gangavaram Port Dibbapalem, Nirvasithula Aikya Vedika,
rep.by its President, Kadiri Kannaiah, S/o.Guranna.

..... Petitioners

AND

1.The Govt. of A.P., rep. by its Principal Secretary, Transport, Roads & Buildings Dept.,
Secretariat, Hyderabad
2.The District Collector, Visakhapatnam District.
3.The Joint Collector-Administrator for Rehabilitation and Resettlement for
Gangavaram Port, Visakhapatnam.
4.The Commissioner of Ports, Kakinada, East Godavari District
5.The Commissioner of Police, Visakhapatnam
6.The Special Officer, Gangavaram Port, Visakhapatnam
7.Sri.Thippala Gurumurthy Reddy, M.L.A. of Pendurthy Constituency,
Srinagar Gajuwaka, Visakhapatnam.
8.Gangavaram Port Limited, rep.by its Chairman and Managing Director,
D.V.S.Raju, R/o Banjara Hills, Hyderabad-34.
9. Nolli Tata Rao S/o. late Narsimhulu,
16-5-138, Dibbapalem village, Pedagantyada Mandal, Visakhapatnam -44, .
Dibbapalem post Office.
10.Chikati Apparao, S/o. late Appala Naidu,
Village Elder, R/o 16-5-76, Dibbapalem village, Pedagantyada Mandal,
Visakhapatnam -44, Dibbapalem post Office.
11.Chikati Paidi Raju, S/o. late Guru Murthy,
R/o 16-5-93, Dibbapalem village, Pedagantyada Mandal, Visakhapatnam -44,
Dibbapalem post Office.
12.Sammidi Paidi Raju, S/o. late Appala Swamy,
R/o 16-4-211, Dibbapalem Village, Pedagantyada Mandal, Visakhapatnam -44,
Dibbapalem post Office.
13.Kadiri Tata Rao, S/o. Lachhanna,
R/o 16-5-170/2, Dibbapalem village, Pedagantyada Mandal, Visakhapatnam –
44,Dibbapalem post Office.
14.Sirasapalli Sankara Rao, S/o. late Apparao
R/o 16-5-154, Dibbapalem village, Pedagantyada Mandal, Visakhapatnam -44,
Dibbapalem post Office
15.Kadiri Bhuloka Rao S/o. Polaiah,
R/o Dibbapalem village, Pedagantyada Mandal, Visakhapatnam -44,
Dibbapalem post Office
(RRs 9 to15 impleaded as per court order dt. 25-1-2007 in WPMP 34609 of 2006)

.....Respondents

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of mandamus declaring the gross inaction of the respondent-authorities with regard to implementation of Rehabilitation and Resettlement of Dibbapalem village, Gangavaram Port, in pursuant to memo No.10396/P1/2004 dated 23.10.2004 followed by G.O.Ms.No.68 dated 29.3.2005 and further followed by G.O.Ms.No.68 dated 8.4.2005 which was adopted in G.O.Ms.No.236 dated 8.11.2004 in respect of construction of JETTY Fish-Landing Centre, Re-location of fishermen community at Yarada and payment of Rehabilitation compensation as illegal, arbitrary, and violative of the rights guaranteed under Article 14 and 21 of the constitution of India,1950.

The petition coming on for hearing, upon perusing the petition and the affidavit filed herein and upon hearing the arguments of Shri V. Mallik, Advocate for the Petitioners, Shri E. Manohar, Senior Advocate, assisted by Shri Y.V. Ravi Prasad for Respondent No.8 and of the Govt. Pleader for Transport for Respondents 1 to 4 and 6.

The Court made the following ORDER :

"Sri E. Manoher, Senior Advocate, assisted by Sri Y.V. Ravi Prasad for respondent No.8.

Sri E. Manoher, senior counsel appearing for respondent No.8 referred to G.O.Ms.No.45, dated 18-5-2006 and submitted that by virtue of the exemption granted by the State Government under Rule 5 read with Rule 11(1)(C) of the Andhra Pradesh Minor Mineral Concession Rules, 1966, Gangavaram Port Authority is entitled to excavate the entire area measuring Ac.535.46 guntas of Survey No.274 situated at Peda Gantyada Village. He then made a request for adjournment to enable respondent No.8 to place before the Court additional affidavit along with some documents.

Though unusual, we accept the request of Sri E. Manohar and grant ten days time to his client to file additional affidavit. Seven days further time is granted to the writ petitioner to file supplementary affidavit.

List the case on 29th March, 2007 for further arguments. On that day, a senior officer of the Mines and Geology Department and an officer representing District Collector, Visakhapatnam should remain present along with the relevant records so that the possibility of further adjournment can be avoided."

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1.The Principal Secretary, Transport, Roads & Buildings Dept.,
Secretariat, Hyderabad
2.The District Collector, Visakhapatnam District.
(SL.NO.2 BY SPEED POST)
3.The Senior Officer, Mines & Geology Department, Hyderabad.
(SL.NO.3 BY SPL. MESSENGER)

3.The Joint Collector-Administrator for Rehabilitation and Resettlement for
Gangavaram Port, Visakhapatnam.
4.The Commissioner of Ports, Kakinada, East Godavari District
5.The Commissioner of Police, Visakhapatnam
6.The Special Officer, Gangavaram Port, Visakhapatnam
7.One CC to Shri Y.V. Ravi Prasad, Advocate, High Court of A.P., Hyderabad.
8.One CC to Shri E. Manohar, Senior Advocate, High Court of A.P., Hyderabad.
9.One CC to Shri V. Mallik, Advocate, High Court of A.P., Hyderabad.
10.Two CCs to the Govt. Pleader for Transport, High Court Bldgs., Hyderabad.
(sl.no.10 BY SPECIAL MESSENGER)
11.One spare copy.

H.A.

DRAFTED BY : H.A.

DATED : 08.03.07

APPROVED BY :

HIGH COURT

HCJ

&

CVNRJ

DATED : 06-03-07

NOTE : LIST THE CASE ON 29.03.07

FOR FURTHER ARGUMENTS.

ORDER :

WP NO.25257/06

DIRECTION